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LERNER, MARTIN				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/057,523

**Applicant(s)**

WHITE ET AL.

**Examiner**

MARTIN LERNER

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 59, 61 to 66, 68 to 73, and 75 to 79 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 59, 61 to 66, 68 to 73, and 75 to 79 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/06)  
Paper No(s)/Mail Date \_\_\_\_.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 59, 62, 64, 66, 69, 71, 73, 76, and 78 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Hughes et al.* in view of *Jacobs et al.*

Concerning independent claim 59, *Hughes et al.* discloses a system for accessing a remote voice recognition resource on a server ("a communication module") from a telephone ("a local device"), comprising:

"a communication module operable to receive input from the local device and to transmit data to the local device to enable the local device to provide the data in an output response to a user of the local device" – server system 300 is attached to the LAN 250 via network interface card 310 (column 5, lines 37 to 50: Figure 1); server system 300 is equivalent to "a communication module"; a telephone from which a caller is calling via the telephone network is "the local device"; a recognition resource remains in a Wait\_Event state, and processes an incoming telephone signal when a recognized word or phrase is spoken ("operable to receive input from the local device") (column 8, lines 14 to 33: Figure 3); a prompt is played out to the caller ("to transmit data to the

local device to enable the local device to provide the data in an output response to a user of the local device”), via a state table action (column 8, lines 59 to column 9, line 2; column 9, lines 29 to 45: Figure 4); a prompt is data transmitted to the local device;

“wherein the communication module is further operable to detect an additional user input from the local device and in response, to cause the local device to cease providing the output response to the user” – for barge-in, an application can specify that prompt output should be terminated in response to voice input (column 9, lines 29 to 45: Figure 4); barge-in, or cut-through, is a facility that is particularly useful for a voice processing application such as voice mail, where the caller is likely to encounter the same sequence of prompts repeatedly, and accordingly may be able to select a desired option without needing to listen to all of the prompt (column 8, line 59 to column 9, line 2); a voice input from a caller to barge-in during a prompt is “an additional user input” causing the prompt to cease;

“a processing module coupled to the communication module and operable to perform speech recognition on the received input” – speech recognition software 320 (“a processing module”) resides on, and is supported by, server system 300 (“the communication module”) (column 5, lines 37 to 50: Figure 1).

Concerning independent claim 59, *Hughes et al.* is concerned with processing telephony data between a server performing speech recognition and a client calling from a telephone. Implicitly, a voice processing system performs activities “for directing an action” on a caller’s telephone, including playing a prompt, displaying text, and directing a call. *Hughes et al.* does not expressly disclose a limitation of “wherein the

communication module is further operable to transmit a control signal to the local device for directing an action in a primary functionality component of the local device".

However, *Jacobs et al.* teaches a distributed voice recognition system, where a central communications center 42 ("the communication module") receives speech features from a portable phone 40 ("the local device"), and central communications center provides speech features to a word decoder 48, which determines a linguistic estimate of the speech by speech recognition. Then, a command signal ("a control signal") is transmitted to portable phone 40, which decodes the signal, and provides the command signal to control element 38, which in response to the command signal, provides an intended response ("for directing an action") of *e.g.*, dialing a phone number or providing information to display on the portable phone ("a primary functionality component of the local device"). (Column 5, Lines 44 to 67: Figure 2) Here, a "primary functionality" of portable phone 40 is to make telephone calls or display information, although portable phone serves as a communication device for accessing speech recognition services from communication center 42, too. *Jacobs et al.* states that advantages include reducing cost in the cellular telephone because word decoder hardware no longer resides at telephone 40 and an improvement in recognition accuracy. (Column 5, Lines 12 to 21) It would have been obvious to one having ordinary skill in the art to transmit a control signal from a communications center to direct an action in a primary functionality component of a local device as taught by *Jacobs et al.* in a voice processing system of *Hughes et al.* for a purpose of reducing cost of a cellular telephone by placing word decoder hardware at a communication center.

Concerning independent claims 66 and 73, *Hughes et al.* discloses a method and computer program product (column 4, line 36) for accessing a remote voice recognition resource on a server from a telephone, comprising:

“receiving an audio input from a local device, the audio input based on speech input issued by a user” – a recognition resource receives an incoming telephone signal of a word or phrase (column 8, lines 13 to 33: Figure 3); a word or a phrase spoken by a caller is “an audio input” and “speech input issued by a user”; a telephone from which a caller is calling via the telephone network is “the local device”;

“performing speech recognition on the received audio input” – speech recognition software on server system 300 processes the incoming telephone signal, until it has recognized the word or phrase spoken, and returns recognized text; an application remains in a Wait\_ Event state until a word or phrase is received (column 8, lines 13 to 33: Figure 3);

“transmitting data to the local device to enable the local device to provide the data in an output response to the user” – a prompt is played out to the caller (column 8, line 59 to column 9, line 2; column 9, lines 29 to 45: Figure 4);

“detecting an additional audio user input from the local device” – a caller is allowed to make a spoken interruption of the prompt in a barge-in or cut-through facility (column 8, line 59 to column 9, line 2);

“transmitting a signal to the local device to cause the local device to cease providing the output response to the user” – a state table action allows an application

designer to specify that prompt output should be stopped in particular eventualities; for barge-in, an application can specify that prompt output should be terminated in response to voice input; one such eventuality is where the caller inputs a DTMF tone, which is recognized by appropriate software (column 9, lines 29 to 45: Figure 4); terminating a prompt output is equivalent to a signal that is transmitted "to the local device to cause the local device to cease provision of the output response to the user".

Concerning independent claims 66 and 73, *Hughes et al.* is concerned with processing telephony data between a server performing speech recognition and a client calling from a telephone. Implicitly, a voice processing system performs activities "for directing an action" on a caller's telephone, including playing a prompt, displaying text, and directing a call. *Hughes et al.* does not expressly disclose a limitation of "transmitting a control signal to the local device for directing an action in a primary functionality component of the local device". However, *Jacobs et al.* teaches a distributed voice recognition system, where a central communications center 42 ("the communication module") receives speech features from a portable phone 40 ("the local device"), and central communications center provides speech features to a word decoder 48, which determines a linguistic estimate of the speech by speech recognition. Then, a command signal ("a control signal") is transmitted to portable phone 40, which decodes the signal, and provides the command signal to control element 38, which in response to the command signal, provides an intended response ("for directing an action") of e.g., dialing a phone number or providing information to display on the portable phone ("a primary functionality component of the local device"). (Column 5,

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Lines 44 to 67: Figure 2) Here, a "primary functionality" of portable phone 40 is to make telephone calls or display information, although portable phone serves as a communication device for accessing speech recognition services from communication center 42, too. *Jacobs et al.* states that advantages include reducing cost in the cellular telephone because word decoder hardware no longer resides at telephone 40 and an improvement in recognition accuracy. (Column 5, Lines 12 to 21) It would have been obvious to one having ordinary skill in the art to transmit a control signal from a communications center to direct an action in a primary functionality component of a local device as taught by *Jacobs et al.* in a voice processing system of *Hughes et al.* for a purpose of reducing cost of a cellular telephone by placing word decoder hardware at a communication center.

Concerning claims 62, 69, and 76, *Hughes et al.* discloses playing out a prompt to a caller (column 8, line 59 to column 9, line 2; column 9, lines 29 to 45: Figure 4); a prompt is "audio data" that is transmitted to the remote device, *i.e.* a caller calling from a telephone.

Concerning claims 64, 71, and 78, *Hughes et al.* discloses that a caller is calling from a telephone ("the local device") (column 1, lines 8 to 25); implicitly, a caller's telephone is not capable of processing a caller's voice input by speech recognition.



3. Claims 61, 63, 65, 68, 70, 72, 75, 77, and 79 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Hughes et al.* in view of *Jacobs et al.* as applied to claims 59, 66, and 73 above, and further in view of *Houser et al.*

Concerning claims 61, 63, 68, 70, 75, and 77, *Hughes et al.* discloses a commonly known voice processing system for speech recognition at a remote server from voice input at a caller's telephone that provides audio prompts and has a barge-in facility, but omits transmitting data including video data and a text message. However, it is known to obtain various forms of information by an interface through speech recognition, as in management of voice mail by speech recognition from a telephone. Specifically, *Houser et al.* teaches an information system having a speech interface, where a terminal unit 16 includes a processor for executing a speech recognition algorithm to recognize spoken commands for accessing information transmitted by information distribution system 12. Information distribution system 12 supplies or broadcasts information to a terminal unit 16, where "information" includes, but is not limited to, analog video, analog audio, digital video, digital audio, text services, such as news articles, sports scores, stock market quotations, and weather reports, electronic messages ("a text message"), electronic program guides, database information, and software including game programs. (Column 5, Line 39 to Column 6, Line 14: Figure 1) An objective is to provide a subscriber with access to information by a speech recognition interface, which enhances the interface by allowing control using language naturally spoken by the subscriber for implementation of tasks not easily implemented using menu screens and key presses. (Column 2, Lines 19 to 29) It would have been

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obvious to one having ordinary skill in the art to provide data to a subscriber in the form of information including video and a text message as taught by *Houser et al.* in a voice processing system including a barge-in facility of *Hughes et al.* for a purpose of providing a subscriber with access to information via a speech recognition interface for implementing tasks not easily performed by menu screens and key presses.

Concerning claims 65, 72, and 79, *Houser et al.* teaches that information is retrieved from an information distribution center 12 in response to commands from terminal unit 16 for accessing information transmitted by information distribution center 12 (column 5, line 39 to column 6, line 14: Figure 1); additionally, electronic programming guide (EPG) data is accessed from an information provider 114-3, including television schedule information arranged by time and channel, and transmitted to subscriber units (column 22, line 19 to 51: Figure 2C).

### ***Response to Arguments***

4. Applicants' arguments filed 04 June 2008 have been considered but are moot in view of the new grounds of rejection, necessitated by amendment.

### ***Conclusion***

5. Applicants' amendment necessitated the new grounds of rejection presented in this Office Action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicants are reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Martin Lerner whose telephone number is (571) 272-7608. The examiner can normally be reached on 8:30 AM to 6:00 PM Monday to Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David R. Hudspeth can be reached on (571) 272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic

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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Martin Lerner/  
Primary Examiner  
Art Unit 2626  
August 1, 2008